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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,443	11/14/2001	David Botstein	P2730PIC12	2356
<div>35489      7590      04/27/2009</div> <div>GOODWIN PROCTER LLP 135 COMMONWEALTH DRIVE MENLO PARK, CA 94025</div>				
<div>EXAMINER</div> <div>KEMMERER, ELIZABETH</div>				
<div>ART UNIT      PAPER NUMBER</div> <div>1646</div>				
<div>MAIL DATE      DELIVERY MODE</div> <div>04/27/2009      PAPER</div>				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* DAVID BOTSTEIN,  
AUDREY GODDARD, PAUL J. GODOWSKI,  
AUSTIN L. GURNEY, MARGARET ANN ROY  
and  
WILLIAM I. WOOD

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Application No. 09/990,443  
Technology Center 1600

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Mailed: April 27, 2009

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Before PAMELA S. BENNETT, *Review Team Paralegal*.  
BENNETT, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on March 9, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

REQUEST FOR WITHDRAWAL OF APPEAL

Appellants filed a Request for Withdrawal of Appeal dated March 16, 2009. There is no indication on the record that the Examiner has considered the above Request for Withdrawal of Appeal.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to consider the Request for Withdrawal of Appeal filed March 16, 2009 as required; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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